IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
Criminal Application No.3798 of 2007.

Jayashri Popat Jadhav
..Petitioner/Applicant

versus

State of Maharashtra ..Respondent.

Mr.A.P.Mundargi for the Petitioner/Applicant.

Smt. M.M.Deshmukh, APP for the State.

Coram : D.G.Karnik, J.
Dated : 4th Dec., 2007

P.C.

1. Heard the learned Counsel for the petitioner and the learned APP for the State. A crime has been registered against the petitioner with Mangalwedha Police Station under C.R.No.72 of 2007 for the alleged offence punishable under Section 406, 408, 409, 464, 465, 471 and 477A of I.P.C.

2. The petitioner was appointed as Tahsildar for the first time and took charge as Tahsildar of Mangalwedha on 22.2.2006. According to the prosecution the petitioner issued five cheques between the period 10.4.2006 to 13.9.2006 drawn in favour of Secretary, Sanjay Gandhi Niradhar Yogana, which is the scheme of the Government for pension to the old persons. It is alleged that the the cheques

has been fradulently encashed and and the money thereof was misappropriated. The misappropriation is alleged to have been committed by Mr.P.R.Chitnis, an employee in the Tahsil Office. On account of such misappropriation the FIR has been lodged.

3. I have perused a copy of the FIR annexed at page 24 of the compilation. The FIR does not directly implicate the petitioner with the misappropriation. The learned APP however submitted that the subsequent letter has been written by the Resident Deputy Collector to the Police on 1.5.2007 and that squarely implicates the present petitioner. I have also perused a copy of said letter dated 1.5.2007. In paragraph 6 of the said letter it is mentioned that the misappropriation has been committed by P.R.Chitnis. The letter further alleges breach of the duty of the Officers and employees of the Tahsil Office in as much as they kept records relating Sangayo/Ingayo with P.R.Chitnis and thereby committed administrative lapse. Perusal of the letter shows that the allegation against the petitioner appears to be of negligence rather than of misappropriation by herself or being a party to the misappropriation.

4. The petitioner is a lady aged about 29 years and has a son of four years. Taking into consideration this fact and also taking into consideration the fact that the petitioner was recently appointed as Tahsildar and was perhaps not aware of all the procedures and also taking into consideration her submission that she acted upon the practice followed by the previous Tahsildar to act upon wireless messages, I think it appropriate to grant bail to the petitioner.

5. Accordingly, the petitioner to be released on bail on executing P.R.Bond of Rs.1,00,000/- (Rupees One Lakh Only) with one or two sureties of the aggregate amount of Rs.1,00,000/-, subject to the following conditions:

a) The petitioner shall not make any inducement nor give any threats to the prosecution witnesses.

b) The petitioner shall not in any manner tamper with the prosecution evidence.

c) The petitioner shall attend the Mangalwedha Police Station, once every month between 1st and 5th day of the British Calendar and shall also co-operate with the investigation, attend office of the I.O. as and when summoned by him.

(D.G.Karnik, J.)